

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Fred Landram et al.

Serial No: 10/688,316

Filing Date: October 17, 2003

Title: SELF CONFIGURING MOBILE DEVICE AND SYSTEM

Examiner: Djenane M. Bayard

Art Unit: 2141

Docket No. TELNP0200US

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION AND FEE FOR REVIVAL OF ABANDONED APPLICATION

Remarks

As discussed in more detail below, the undersigned never received the Office Action mailed on July 18, 2006. Consequently, the entire delay in filing the required reply to the Office Action was unavoidable.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

 small entity - fee \$250.00 (if unavoidable) (37 CFR 1.17(l)); \$750.00 (if unintentional) (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

 X other than small entity - fee \$500.00 (if unavoidable) (37 CFR 1.17(l)); \$1500.00 (if unintentional) (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of an amendment

 has been filed previously on .

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X is enclosed herewith.

B. The issue fee of \$ _____
_____ has been paid previously on _____.
_____ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

X Since this is a utility/plant patent application filed on or after June 8, 1995,
no terminal disclaimer is required.

_____ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a
small entity of \$ _____ for other than a small entity) disclaiming the required period
of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the
required reply from the due date for the reply until the filing of a grantable petition under
37 CFR 1.137(a) was unavoidable, is enclosed.

SHOWING THAT DELAY WAS UNAVOIDABLE

The entire delay in filing the required reply from the due date for the required
reply until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable, as
the undersigned never received the Office Action that issued on July 18, 2006. The
facts associated with the unavoidable abandonment of the instant application are
discussed below.

On March 26, 2007, the undersigned received a telephone call from the
Examiner, Djenane M. Bayard, regarding the status of the present application. In
particular, the Examiner indicated that a response to the Office Action of July 18, 2006
had not been received. Consequently the application was considered abandoned.

Subsequent to the above phone call, the undersigned reviewed the file jacket
corresponding to the now abandoned application, and no record of an Office Action was

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found therein. Further, the undersigned checked with the firm's docketing department regarding the missing Office Action, but no record was found there as well.

Included herewith is copy of the docket record where the non-received Office Action would have been entered had it been received and docketed.

In view of the above, a timely response to the Office Action of July 18, 2006 could not have been filed as it had never been received by the undersigned. Thus, it is respectfully submitted that the entire delay in filing the required reply from the due date for the reply until the filing of the grantable petition was unavoidable.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Kenneth W. Fafrak/

Kenneth W. Fafrak

Reg. No. 50,689

DATE: May 24, 2007

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

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I hereby certify that this paper (along with any paper or item referred to as being attached or enclosed) is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; or
- ☐ facsimile transmitted to the Patent and Trademark Office (fax no. <>) on the date shown below; or
- ☒ submitted on the date shown below using the U.S. Patent Office's Electronic Filing System.

Date: May 24, 2007

/Kenneth W. Fafrak/
Kenneth W. Fafrak

ROBS# TELNP0200US

PRINTED ON: 5/24/2007

COUNTRY	US	UNITED STATES	TITLE		PRIOR	10/17/2003
NEW/CON	NEW	SERIAL#	10/688,316	SELF CONFIGURING MOBILE DEVICE AND SYSTEM	MAIL	10/17/2003
RELATED		PATENT#			FILE	10/17/2003
TYPE	UTL	STATUS	PENDING		PUBL	
CLIENT	TELN	TELXON CORPORATION	1	CREF	ISSUE	
AGENT				AREF	1ST	10/17/2003
					EXP	10/17/2023

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PC	N	POST CARD CHECK	10/17/2003	1 M	11/17/2003		11/17/2003	0	10/27/2003	0 M	Y	Y	Y
FS	N	FILG RCPT STATUS CHK	10/17/2003	3 M	1/17/2004	1 1	2/17/2004	1	1/26/2004	0 M	Y	Y	Y
6F	N	6 MO. FOREIGN	10/17/2003	6 M	4/17/2004		4/17/2004	0	4/8/2004	1 M	Y	Y	Y
FO	N	FOREIGN FILING DUE	10/17/2003	12 M	10/17/2004		10/17/2004	0	9/29/2004	3 M	Y	Y	Y
RE	N	RESPONSE TO OA	12/22/2005	3 M	3/22/2006	3 1	6/22/2006	1	4/21/2006	1 M	Y	Y	Y
	N	RE STATUS CHECK	4/21/2006	4 M	8/21/2006	1 9	5/21/2007	1		0 M	Y	Y	Y
MLD RESP 4/21/06, DLINE 4/22/06													

INVENTORS

FRED LANDRAM

USER-DEFINABLE FIELDS		PATENT FIELDS	
PRIOR		SMALL ENTITY	ART UNIT
APP		CLAIMS	EXAMINER
TYPE		PUBLICATION#	CONFIRM#

P09625US00 ENTERED 4/1/2003 MODIFIED 5/22/2007 3: BY BA ATTORNEYS CSM / MDS / KWF

NOTES

- ROBS NOT RESPONSIBLE FOR ANNUITIES